

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 25th day of June, 2013 in the auditorium of the Cornwall Middle School, 122 Main Street, Cornwall, NY 12518

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ELIZABETH LONGINOTT
RANDOLPH CLARK
MARY BETH GREENE

ABSENT: Councilman

ALEXANDER MAZZOCCA

SPECIAL GUESTS:

MR. JOSEPH AMATO
MS. CHRISTINA AMATO
MR. GERALD JACOBOWITZ

Also PRESENT: STEVE GABA, representing attorney for Town, JAMES R. LOEB ESQ., and LESLIE DOTSON, Planning Consultant for Town from Garling Associates.

Pledge of Allegiance

Cornwall Commons: Supervisor QUIGLEY thanked everyone for coming to the meeting and explained that in order to allow every person the opportunity to speak; we would have to limit it to 3 minutes per person.

The following is a **summary** of comments made by residents of the Town of Cornwall and the Village of Cornwall-on-Hudson regarding the proposed change in zoning for the Cornwall Commons Project:

Ms. Nancy Peckenham advised that she believed that there was some advice given by the Town attorney regarding an action that the Board might take regarding zoning, and wanted to know what the Board's thoughts were. Attorney GABA advised that he was not certain to what she was referring. He further advised that we are not at that stage yet.

Mr. Tom Bregman commented on the impact that the proposed zoning change would make on the school district. Mr. Bregman did an analysis on how many children this project would bring in based on the Reserve, Forest Glen and Quaker Mill, and it would be 230 children over a period of 6 to 8 years. According to Mr. Bregman's calculation it would come to 1 ½ million dollar deficit at build out. Mr. Bregman stated that the school district came up with a figure of 277 children vs. the developer's figure of 148 to 154 children this project would bring in. Mr. Bregman suggested that the Town Board strongly take this into consideration. Mr. Bregman added that the Cornwall School District study states that if Cornwall Commons project was at its full capacity build out the district would have to eliminate all extra curricular programs.

Mr. Jeffrey Small advised that the density was the heart of the matter for him. Mr. Small believes that if you change the zoning, then you must change the plan. Right now there are 500 homes on one lot and if you take away the Planned Adult Community (PAC) you can't have all those separate homes all on one lot; therefore, you have to have a new plan. Recreation/fields need to be considered, storm water, traffic studies, etc., all must be considered. Mr. Small stated that he did not want to kill the project but wanted a better plan with reasonable density. Protect the schools, the taxpayer, the Moodna, the 9W use shed and promote economic activity.

Mr. Bill Braine advised that he moved to Cornwall from Monroe because he was looking for a great place to live with a small town feel. The developments in Monroe; some of which Mr. Amato was a part of, were too big and changed the feel of the neighborhood. As a result, shops closed as big box stores moved in. The Cornwall Commons Project undermines the small town feel which is essential to the character, and would in a short period of time, inject a very large number of homes to a fringe area that is not really walk able and would destroy whatever life is left downtown.

Ms. Sheri Lisker advised that she had three questions that she wanted everyone to think about:

1. If we allow this new development to go through, does this then set a precedent so that others who propose developments can get approval and piggy back other projects on them?
2. Is it magical thinking to assume that dwellings with families that have children will have the same impact and use the same services as senior dwellings, i.e., water, sewer, parking?
3. Are the developers going to build three new schools, elementary, middle and high school to accommodate the overwhelming amount of children that will be put into an already over-burdened school system?

Mr. Peter Neuman stated for the record that he did not know Mr. Amato, but did support a Planned Adult Community. However, times have changed, the Town is in need of ratables because our taxes are out of control, and he realizes that the project is not viable only as a senior citizens project. Mr. Neuman stated that what if the Board does not grant Mr. Amato's request; what is to stop him from selling to the Hasidim? Mr. Neuman added that this may not be politically correct. He advised that the deal from the Chinese for NYMA is not happening, and is now prime property for the Hasidic community to purchase. If Mr. Amato does not get his way he could do whatever he wants, but if the Hasidim do purchase his property, they will not follow the rules as Mr. Amato has done for 13, they will build what they want without permits, they will close the roads without permission, they will put in pipes in a larger size than approved, and if they get both properties, they might even build a tunnel under 9W to connect the two; this is not discrimination, but righteous indignation. Mr. Neuman went on to say that this Board must consider what is best for Cornwall, not just for short-term and wait until its too late and this becomes Kiryas Joes West. Go with what is best for the Town not just with what will get you elected.

Mr. Andy Chmar advised that he was the executive director of the Hudson Highlands Land Trust and stated that they are based in Garrison, NY but that their missionary includes Cornwall, Highland, Phillipstown and Putnam Valley. Mr. Chmar stressed the importance of smart development and protection of natural resources and stated that poorly planned development decreases the value of property and imposes a greater tax burden on the community. Mr. Chmar recommended the need for unbiased analysis is needed to find the true costs and benefits that might result from the project. Mr. Chmar added that the Land Trust was willing to assist the Town in anyway they can to achieve the mutual goals of preserving Cornwall's quality of life and improving the community's economic vitality.

Mr. Simon Gruber advised that he felt that the current proposal defied common sense in that the change could be made without affecting tax revenue, school impact, drainage, and all the other issues that others have mentioned tonight. Mr. Gruber advised that the Rutgers study was the standard best guess used, but that that did not necessarily make the numbers accurate for Cornwall. Mr. Gruber asked the Board to pay attention to the land bordering the Moodna Creek where the land has become

unstable due to erosion. What is the geological stability of the Cornwall Commons land? Mr. Gruber was in support of attorney STEVE GABA's recent letter citing the current Comprehensive Plan calling for a housing-needs study and thought that was the right thing to do for the Town.

Mr. Dave Carnright advised that he believed that the majority of the people were not against new development, but were against unmitigated development, and that is what this proposed change is. Mr. Carnright stated that there are plenty of very successful senior housing complexes with waiting lists throughout the county, and this developer is saying it cannot succeed. Mr. Carnright stressed that the schools can't take 5 more children let alone hundreds of children. Mr. Carnright wanted to know at what point do we say that the Rutgers study is not valid? Mr. Carnright advised that there are 385 children from the Reserve right now in our school district and that is a clear indicator that the developer's numbers are wrong. Mr. Carnright would love to see some commercial development be done, and was not against growth, but to change totally from a PAC without re-reviewing it is insane.

Mr. Rick Gioa likened the Cornwall Commons Project to gambling because there were no guarantees and the house always wins. Mr. Gioa stated that Mr. Amato was truly callous and defamatory and out of bounds in regard to his comment against Mr. Mauro Parisi. Mr. Gioa advised that Mr. Parisi was passionate about what he believed, and exposed many details about the mechanics of the deal that would have otherwise remained out of public view, and no one could know the depth of feeling that led Mr. Parisi to take his own life, but it is a matter of the most basic common decency that his name not be smeared in death.

Mr. Michael Jackson advised that his family moved here from Brooklyn many years ago and that it was the character of the Town that made them stay and he would not like to see that change.

Mr. Doug Land took a moment to thank the Board for holding the meeting, and giving the community an opportunity to express themselves. Mr. Land asked that going forward to think about ways using new media, posting things on line, making sure agendas and resolutions show up well before meetings take place. Mr. Doug Land advised that there were sweeping generalizations during the last meeting of "you people" or characterizing the people present to the Cornwall on Hudson rabble rousers that also disrupted the Village Board. Mr. Land stated that the reality is "you people" this is Cornwall, this is the population that elects you, this is the population that cares about their students, that cares about their taxes, that cares about their community and you should be thrilled that "you people" are here. Mr. Land stated that in August of last year, the school superintendent advised Mr. Jacobowitz that the Rutgers study numbers were wrong, and Mr. Berger advised that the cost to educate each child was wrong, and yet again and again we have been told how great this project is going to be for the Town. Mr. Land advised that we all knew that those numbers presented by Mr. Jacobowitz were wrong a year ago, and yet we had to deal with them for a year, and I think that goes to the credibility of the discussions between the Town Board and this developer when he is told in August that the numbers are no good and yet he has made no attempt to change them; made no attempt to meet with the school board to see what were the right numbers. Mr. Land added that it was two years ago that Mr. Jacobowitz made a comment at a Comprehensive Update meeting when he asked for some changes in the Plan "changes to the floating zone so that you will be giving the Town Board all the flexibility that they need to beat us up when we come in to see them" Mr. Land stated that now was the time for the Town Board to use that flexibility, to say that this proposed change in zoning just does not work for us. Mr. Land ended with saying that the Town Board is under no obligation to do anything; this is a request from a developer to change the existing zoning in this community. We have to remember that the entire project was designed as a Planned Adult Community, the annexation from New Windsor was

done specifically for purposes of creating a PAC, and the developer's agreement is written for the purposes of creating an adult community.

Ms. Hemana Grecco advised that she loved the Town because of its character and sense of family. Ms. Grecco stated that she was very involved in the school budget this year and lost countless nights trying to figure out where to make cuts, and stressed to the Board that as the public's representatives it was their turn to make the right decision for the residents.

Mr. Tom Bregman wanted to add that in the early 90's there was a proposed development for 400 units where the Museum of the Hudson Highlands is now, and 20 years later we are so much better off than we would be if that project was done. Mr. Bregman advised that we need to make decisions for the future not just in this moment but think about the long-term impacts. Mr. Bregman recommended that the Board get expert, objective information from professional sources not involved with this project.

Ms. Eileen Hartman advised that she had a home as well as a commercial business here in the Town. She stated that the Town has unfinished projects that are an eyesore, and we are told that there is nothing that can be done, we have roads that are unfinished, long-term projects that would or would not be done and what we decide today is going to affect what the Town is going to look like 10 years from now. Ms. Hartman stated that as far as senior housing goes, she knew that there are seniors in this Town right now who are on waiting lists to get into senior housing; so why can't a PAC prosper here? Ms. Hartman stated that as a business owner she hears people who are not from here say that our Town look broken down; the Moodna Creek bridge is being fixed because a pipeline is being added to it, but our bridge in Town can't be fixed. Then we have the unfinished project by CVS that is an eyesore but again, nothing can be done with it. Ms. Hartman advised that at the last meeting Mr. Amato advised that this type of project could not be done without funding, and he was right, but if you are going to build the residential part first, and it does not sell, whether its senior housing or non restricted housing, does that mean that the commercial part of it does not get built and if so, then the Town is screwed. Ms. Hartman stated that she knew as someone who pays very high real estate taxes on a commercial property, they can't be going up the way they are, and the burden is going to have to be put on everybody who is here, both the homeowners and the commercial property owners. Ms. Hartman advised that the Woody's property is not selling because potential buyers are afraid that the taxes are going to go up, and that is exactly what happened to her with her commercial property. What assurances are in place to make sure that the commercial portion will be done whether or not the residential part is done?

Ms. Maria Miller advised that she was very concerned about the environmental impact study which was done about 13 years ago. She wanted the Board to take into consideration the climate changes. weather patterns, the changes in the ability to build better / greener that this development is not taking into consideration because the study was done so long ago. Ms. Miller stated that it was ratables that the Town is looking for, and we all know that commercial projects bring in rateables and yet the developer wants to build all the homes first.

Peter Erwin stated that the quality of life will change drastically if we add that many people at one time and it would change the spirit of Cornwall.

Mr. Rick Lisker stated that he moved to Cornwall in 1987 because he liked the small town feel, and in the 20+ years that he has been here, it's still the same small town feel. Mr. Lisker added that we should not make any changes in the plan, but keep it a Planned Adult Community.

Mr. Bill Braine forgot to mention that Bloomberg named Cornwall the best place to raise children in New York State 2013, and Hudson Valley Magazine listed Cornwall as one of 8 hot home towns in the Valley. Mr. Braine advised that people outside of Cornwall recognize the value we have here, and he would like to preserve the value without remaining frozen in time.

Mrs. Lisker thanked the people who own businesses in the Town, and wanted to know what investment did the developer have to offer the Town of Cornwall.

Mr. Tom Else stated that he certainly would not have chosen to live here if we had a major development built at Kenridge Farm as was previously proposed, nor does he recommend that we do so now.

Ms. Noel Poindexter advised that she feels very lucky to have grown up in such a wonderful Town and felt that this project would greatly change the feel of the Town she loves so much.

Ms. Leah Johnson advised that they moved here from Boston eight years ago because they were looking for a nice small town with great people and good schools, and Cornwall met all their needs and it still does now, but she was really concerned about what this will do as far as overcrowding in the schools and the feel of the community.

Ms. Lisa DiMartino advised that her family has lived in Cornwall since 1983, and she has a 17 year old daughter in the school system, and is really concerned about overcrowding if this project goes through and the impact to the quality of education available to our children.

Mr. Simon Gruber advised that the Cornwall Commons site is at the gateway to the Town. Mr. Gruber stated that on a trip to California he found that they plan developments in a visually pleasing manner through smarter planning.

Ms. Anne Luka advised that she is a resident of Canterbury Green because she like other seniors, wanted to stay in the community where she raised her children and thought that it would be wonderful to build smart senior housing for other people who felt the same as she did. Ms. Luka added that there are waiting lists for senior housing in other towns so there is a market for it.

Mr. Rob Wells wanted to know what evidence did Mr. Amato have to show that he cannot make money by keeping this project as a Planned Adult Community. Mr. Wells also stated that each project comes in its own time, and perhaps now is not that time and a developer must be prepared for that. Mr. Wells agreed that as in California, smarter planning is the way to go to maintain the small town feel that everyone enjoys in Cornwall.

Ms. Sarah Gruber advised that she has lived in Cornwall since 1986 for the same reasons that everyone already mentioned. Ms. Gruber called the Cornwall Commons project a pivotal point in Cornwall's history and feels that we as a Town have not been proactive enough, and now is an opportunity to make the right choice for the Town.

Mr. John Tonnis advised that he has been a resident for 22 years and appreciates how the community of Cornwall embraces everyone. Mr. Tonnis feels this project would impact the schools negatively and hurt the community through higher taxes and make it difficult for people, especially seniors to live in Cornwall.

Mr. Kevin Finn stated that the basic problem is that the reason the developer wants to change the zoning to have more single family homes is because it increases the value of the land that they own. Mr. Finn advised that taxes will go up if the zoning is changed and hoped that the Town Board would not allow that to happen.

Mr. Jerry Gage advised that he has lived here for 41 years and raised 3 kids and knows that this project will greatly impact the school district. Mr. Gage advised that as an assistant superintendent in Rockland County for many years he knows first hand how large developments impact schools. Large classes, collective bargaining issues due to size, quality of education all equal increases in taxes. Homeowners were forced out because they were on fixed income; this happened in Clarkstown, Ramapo, Pearl River and Nyack.

Mr. Michael Summerfield introduced himself as a resident and a candidate for the Cornwall Town Board and advised that he and his family moved to Cornwall from Glen Ridge, New Jersey to escape high taxes. However, many years later, the taxes are very high. Mr. Summerfield stated that everyone present tonight had something very important to say and what was missing was an open clear dialogue with the Town Board. Mr. Summerfield advised that if you log on to cornwallalliance.com in a few weeks, you will have a forum to discuss all of the Town's concerns and issues.

Mr. Bill Webber advised that he has been a Village resident for the past 15 years and advised that it was clear to him according to all the numbers he heard tonight that the cons outweigh the pros of allowing this project to continue, and hoped that the Board has heard enough, and reminded the Board that they do not have to take any action at all.

Mr. Jim Lennon stated that he is a senior and retired police sergeant and advised that he is neither for or against this project. The Village is going to have to do a bond to purchase a new ladder truck, what is the developer going to do for us, like they did in the Town of Woodbury, the developer bought a new ladder truck for the Town. The developer should be doing something for the Town.

Mr. Doug Land stated that given the interaction the Town Board has now had with the community, having listened to this issue for almost a year, having received hundreds of pages of documents from Mr. Jacobowitz, having a number of very thoughtful memos from the Town attorney raising very real issues, he wanted to know how the Town Board felt about this issue.

Mr. Anthony Incanno advised that he has been following this project from the beginning and prefers that it remain a PAC. Mr. Incanno advised that Cornwall Commons can be built tomorrow and does not believe hear say that a Planned Adult Community cannot make money. Mr. Incanno advised that Cornwall taxes were too high and the taxpayers are broke. Mr. Incanno added that for years we were promised that the Reserve development would bring in extra money to the Town. As a result we had to build a new school and we had to spend 50 + million plus the additional cost of 8 million a year to maintain the added numbers of children in our school district. Mr. Incanno advised that what we need is smart development, the developer needs to review their proposal, cut down the project, and do commercial end first to make this project work. In addition, the developer should put up a 50 million dollar bond since he is so certain of his numbers and put his neck on the line like the taxpayers do.

Supervisor QUIGLEY advised that regarding the earlier question from Mr. Land, we are not yet at that point. Attorney GABA advised that what had occurred was the Town had issues and problems that they had seen and the developer did some responses to our issues, and the members of the public wanted

their input as well resulting in tonight's meeting. Now with this public input the next step will be to return to the table and have the Board review our memo further as well as the comments from the developer and then after that he believed that the Board will have a better understanding of all the issues. Mr. Land requested at least 2 weeks notice as well as access to all the documents received with no last minute documents issued. Supervisor QUIGLEY agreed that that is our normal process as all meetings have to be posted. Mr. Land responded that that would be extremely helpful.

Supervisor QUIGLEY thanked everyone for attending the meeting.

Renata McGee
Town Clerk